

**UPDATED INFORMATIVE DIGEST
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

Summary of Existing Laws

Health and Safety Code, Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code, Sections 129675 through 130070 authorizes the Office to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities in order to assure that these health facilities are compliant with the California Building Standards Code. Specifically, Section 129850 authorizes the Office to develop regulations to effectively carry out the mandate of the Alfred E. Alquist Hospital Seismic Safety Act.

Health and Safety Code Section 129785 authorizes the Office to develop regulations specifying fees to cover the cost of administering the Alfred E. Alquist Hospital Facilities Seismic Safety Act. Additionally, it requires that the Office specify circumstances under which the Office will issue a fee refund for fees paid for health facility construction projects.

Health and Safety Code Section 129825 requires the hospital governing board or authority to provide competent adequate inspection during the construction or alteration of a hospital construction project. The inspector(s) must be satisfactory to the architect or engineer, or both, and the Office. Additionally, as part of the approval of an inspector, the Office is required to test inspectors and certify those who successfully pass the examination(s).

Health and Safety Code Section 129855 authorizes the Office to develop regulations regarding qualification criteria for implementing a contractual agreement for review and inspection of structural, architectural, mechanical, electrical and plumbing systems of hospital buildings.

Health and Safety Code Section 129885 specifies the responsibilities of the local building jurisdiction and the Office regarding plan review, inspection and certification of licensed clinic facilities.

Health and Safety Code Section 129955 specifies that rules of procedure shall be adopted for the Hospital Building Safety Board (HBSB) in order for the board to perform its duties. The HBSB acts as an appeals board in all matters relating to the administration and enforcement of building standards relative to the design, construction, alteration, and seismic safety of hospital building projects submitted to the OSHPD.

Health and Safety Code, Sections 130000 through 130070 establishes responsibilities for the Office and for hospital owners regarding the seismic safety and retrofit of general acute care hospitals.

Health and Safety Code Section 130063 allows a general acute care hospital located in Seismic Zone 3 to request an exemption from Nonstructural Performance Category-3 requirements of Title 24, if the hospital building complies with nonstructural requirements of the year 2002.

Government Code Section 4526 mandates that a state agency adopt regulations for the implementation of the method of selection for professional services of private architectural, engineering, landscape architectural, environmental, land surveying or construction project management firms. The selection shall be based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the required services.

Government Code Section 4527 mandates that a state agency encourage firms to submit a statement of qualifications and performance data, annually. Additionally, provides requirements for the state agency to announce proposed projects and evaluate statements of qualifications.

Government Code Section 4528 provides that the state agency follow specified negotiation procedures when a firm is selected.

Summary of Existing Regulations

Title 24, Part 1, Chapter 6 contains administrative regulations regarding SB 1953 Seismic Safety and Retrofit program requirements for all general acute care hospitals in California. The proposed amendments will affect the provisions for hospital buildings that do not conform with the structural and nonstructural seismic safety requirements and for delays in compliance with the requirements.

Title 24, Part 1, Chapter 7 contains regulations for the review of health facility construction projects regulated by OSHPD. This proposed action affects the following four areas of administrative regulations:

- Hospital Inspector Certification Program regulations provide requirements for individuals to qualify and apply for the Hospital Inspector Certification examination administered by OSHPD. It also contains requirements for approval of a hospital inspector for a construction project and monitoring of an inspector's performance on a project.
- Hospital Building Safety Board regulations provide procedures for the appeals process and includes timeframes for each step in the process.
- Contract regulations provide requirements for personal services contracts for health facility plan review. The Office is authorized to contract for plan review and inspection of structural, architectural, mechanical, plumbing and electrical systems, when necessary, to facilitate timely performance plan review and inspection of health facility construction projects submitted to the Office.
- Project fee regulations provide requirements for submittal and calculation of fees for plan review and field observation of health facilities construction projects submitted to the Office.

Summary of Effect

The proposed action will effect the following administrative requirements:

Title 24, Part 1, Chapter 6

- This proposal will correct a technical error in the existing regulations. Currently, a hospital building that no longer provides acute care services is not to be considered a "hospital" building. The proposed amendment provides conditions for determining when a building that does not conform with the structural and nonstructural seismic safety requirements may or may not be considered a hospital building. Additionally, corrections to the language regarding compliance delays with the seismic safety requirements for hospitals are necessary to make the references to the California Building Code consistent with Health and Safety Code 130063.

Title 24, Part, Chapter 7

- Hospital Inspector Certification Program- This action will repeal outdated requirements for qualification of an individual to participate in the Hospital Inspector Certification examination administered by OSHPD. It will eliminate the requirement for verification of an applicant's citizenship or qualified alien status. Repealing this requirement is in line with the current administration policies. This action will also repeal an outdated requirement that was originally adopted to "grandfather" individuals who were certified to be inspectors prior to 1997. Additionally, requirements for the Class "C" inspector are being amended to specify specialty areas of construction this level of inspector would inspect and specify the minimum criteria for an individual to qualify for Class C certification.
- Hospital Building Safety Board- This action will change the timeframes for various steps in the appeals process to allow sufficient time for the appellant, board members and staff, and other interested parties to coordinate and participate in the process.
- Contracts- This action will amend contract qualification criteria. The amendments will more clearly define the contract negotiation process regarding hourly billable rates, timeframes for response, and selection of firms for retainer contract services.
- Fees - This action will amend fee requirements for OSHPD's plan review and field observation services. The amendment identifies when a health facility applicant will be required to pay additional fees for a

- health facility construction project. Additionally, this action will add new requirements for fee refunds. It identifies circumstances when the Office may issue a fee refund to the applicant.
- Application for review- Makes modifications regarding submittal of an application for plan review and preparation of construction drawings.
 - Nonconforming hospital buildings-Corrects a technical error in existing regulations regarding nonconforming hospital buildings.

Policy Statement Overview

Title 24, Part 1, Chapter 7 contains regulations for the review and construction of health facilities regulated by OSHPD. This proposed action addresses the following specific areas: Hospital Inspector Certification Program, Hospital Building Safety Board appeals process, contracts for plan review services for health facility construction projects, fees and fee refunds for health facility projects, application for plan review and preparation of drawings. The proposed changes are intended to clarify existing regulations, to implement statutory requirements and to repeal outdated regulations.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Small Business Affect

The proposed regulations will not have an impact on small businesses.